IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 06.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.754 of 2006

Muthulakshmi ... Petitioner

Vs.

1.State, rep. by the Secretary,
Department of Home,
Fort St. George,
Chennai-9.

2.The Superintendent,
Central Prison,
Coimbatore. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to provide interview facilities to the detenu Mohanram by providing adequate special escorts during transit and further providing adequate medical facilities to the detenu on human consideration to secure the ends of justice.

For Petitioner : Mr. R. Sankara Subbu for
Mr.N.Chandrasekaran

For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, by name Muthulakshmi, has filed this petition seeking direction to the respondents to provide interview facilities to the detenu Mohan Ram by providing adequate special escort during transit to the Court and provide adequate medical facilities to the detenu on human consideration.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. Pursuant to the direction of this Court, the Superintendent of Prisons, Central Prison, Coimbatore-18, has filed a counter affidavit highlighting the commission and omission on the part of the detenu and his associates. After narrating various activities of the detenu and others, the Superintendent of Prisons has observed that those activities are against the prison Rules and the prison punishment(forefeiture of interview privilege for the period of three months) was awarded by him as per Rule No.302(a)(4) of the Tamil Nadu Prison Manual volume II. The Officer has also stated that there is no violation of rules and regulations of Jail Manual as stated in the affidavit.

4. We have verified all those details which show that the detenu and others often quarrelled with the jailors and it is also specifically stated that the detenu biten the middle finger of the left hand of Sadayan, Second Grade Warder, while he was performing searching duty with other warders. It is also brought to our notice that the prison punishment awarded to the detenu comes to an end on 15.09.2006.

5. Regarding the health condition, the Superintendent of Prison has specifically stated that the detenu's health condition is stable from the date of his admission in the prison to till date. He has also stated that the detenu Mohanram was produced

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before the Judicial Magistrate No.II, Dindigul, on 24.07.2006 as he had good health condition only. In addition to the said details, the learned Additional Public Prosecutor has also produced a xerox copy of the Medical Report relating to Mohanram, which shows that he is physically fit and no specific complaint.

6. Regarding providing strong escorts, the Superintendent of Prison has stated that after completion of prison punishment awarded to the detenu, he will be allowed to have the interview as before. He also stated that as the powers to provide escort for the prisoners is vest with the Commissioner of Police, Coimbatore City, he has no objection to produce the detenu with strong escort before the Court, if the same is provided by the Commissioner of Police, Coimbatore.

7. In the light of the information furnished by the Superintendent of Prisons, Central Prison, Coimbatore-18, and the grievance expressed by the petitioner in the affidavit filed in support of the above petition, we are of the view that no further direction is required. As stated in the counter affidavit, after expiry of the prison punishment viz., on 15.09.2006, the detenu would be provided all facilities eligible as before as per Prison Manual.

8. With the above observations the Habeas Corpus Petition is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Secretary, Department of Home, Fort St. George, Chennai-9.

2.The Superintendent, Central Prison, Coimbatore.
(In duplicate for communication to the detenu)

3. The Joint Secretary to Government, Public (Law and Order)Fort St. George, Chennai-9.

4. The Public Prosecutor, High Court, Madras.

5. The Commissioner of Police, Coimbatore

+ one cc to Mr. n. Chandrasekaran, Advocate sr no. 40869

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